IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2750 OF 2004

IN

SUIT NO. 35 OF 2004

IN

PETITION NO. 346 OF 2004

Dr. Sukumar Chandulal Ambani
and anr. .....Plffs.
vs.
Shailesh N. Damani and ors. .....Defnds.

R.R. Tiwai for the petitioner.
T.G. Vora i/b. D.R. Mishra for the caveator.

CORAM: S.U. KAMDAR, J.

DATE : 11TH AUGUST, 2005.

P.C. :

1. Learned counsel appearing for the plaintiffs states that the immovable properties excluding the flat situated at Atlanta Building, Flat No.B-604 situated at Evershine Nagar Malad (W), Mumbai-64 inrespect of other properties which are covered by the will he will maintain

complete status quo and shall not alienate, encumber or create any third party rights inrespect of the said properties. It is made clear that the injunction does not apply to the aforesaid flat situated at Malad. He also further states that his client is in possession of all the immovable properties and he will pay the outgoings and necessary charges inrepsect of the properties excluding the said flat which according to him belongs to the petitioner. The aforesaid order will operate till the hearing and final disposal of the petition. The plaintiff will give accounts inrespect of the properties which are managed by him excluding the flat within 30 days from the expiry of the financial year. It is made clear that the plaintiff will be entitled to institute any proceedings for recovery of premises from tenants. However if such decree of eviction is passed then the same shall not be executed without the leave of the court. The respondents accepts the aforesaid order. Motion disposed off accordingly. No order as to costs.

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sd/-

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